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SIMMONS, PERRINE, ALBRIGHT & ELLWOOD, P.L.C. THIRD FLOOR TOWER PLACE 22 SOUTH LINN STREET IOWA CITY, IA 52240			KE, PENG	
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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/681,172

Filing Date: February 08, 2001

Appellant(s): FRANKEN ET AL.

Kenneth A. Franken et al.  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 10/28/2005 appealing from the Office action mailed 6/3/2005.



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**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 10/28/2005 appealing from the Office action mailed 6/3/2005.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

6,240,555	Shoff et al.	5-2001
5,758,259	Lawler	5-1998

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 16 and 20-24 are rejected under 35 U.S.C. 103(a) over Lawler, US-5,758,259 in view of Shoff et al., (hereinafter Shoff) US-6,240,555.

As per claim 9, Lawler teaches an electronic programming guide system comprising:  
a computer system at a location (*interactive television system*) (Fig. 2, col. 3, lines 6-13);  
a browser displaying a guide comprising a plurality of linearly arranged tabs, where each tab is a link to one of a plurality of views (*time view, category view*) of an electronic programming guide (col. 5, lines 31-40);  
wherein the guide includes a two-dimensional array of programming cells where each cell represents a different time slot associated with a different television channel (Fig. 3C, 106, 100, 104, 108; col. 5, lines 21-31);  
wherein the plurality of linearly arranged tabs is disposed on a periphery of the two-dimensional array (Fig. 3C, 106); and  
wherein each of said plurality of views is limited to sources of signal available at said first viewer location (It is inherent in a traditional broadcast or cable system, the sources of TV signal vary from location to location).

Lawler does not teach the step of a personal computer comprising the browser at a first viewer location, coupled to the system via a personal network;

where each of the plurality of views is associated with one of a plurality of sources of signals;

wherein at least three of said plurality of sources signal are broadcast TV, programming delivered over the internet, and satellite;

However, Shoff teaches the step of a personal computer comprising the browser at a first viewer location, coupled to the system via a personal network (integrated PC-TV system) (Fig. 4, col. 3, lines 64-67; col. 7, lines 51-60).

where each of the plurality of views is associated with one of a plurality of sources of signals; (figure 4, items 40, 46, 54, and 86)

wherein at least three of said plurality of sources signal are broadcast TV (abstract), programming delivered over the internet (col. 5, lines 22-60), and satellite (col. 4, lines 50- col. 5, lines 5);

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Lawler with Shoff's method of coupling the personal computer via a personal network in order to separate the browser from the computer system.

As per claim 16, Lawler teaches a method of displaying programming information to a view comprising the steps of:

Providing, to a user, an array of programming choices available to a viewer; (col. 5, lines 32-40)

Changing a characteristic of said array in response to a selection, made by said user, of a tab of a plurality of linearly arranged tabs disposed along a peripheral edge of said array; (periodically determined preference correlations) (col. 9, lines 12-26)

Changing display content associated with one of said plurality of linearly arranged tables as a result of prior action; (col. 9, lines 12-26; figure 3c, 106, 100, 104, 108; col. 5, lines 21-31);

Wherein said prior action further comprises a user selection among a plurality of user preferences; (col. 9, lines 12-26)

Wherein said prior action further comprises a duration characteristic of a prior viewing selection said viewer; (col. 12, lines 55-63)

Providing location information representative of a geographic location of said viewer and changing display content associated with one of said plurality of linearly arranged tabs based upon said location information; (col. 2, lines 36-45)

Wherein each of said plurality of linearly arranged tabs is dedicated to one of plurality of sources of programming available at said geographic location. (col. 2, lines 36-45; The examiner interprets preferred programming to be a source of programming available because they do not require explicit selection by the user)

Wherein each of said plurality of linearly arranged tabs is dedicated to one of a plurality of source of programming available at said geographic location (figure 3C, item 104)

Lawler does not teach the step of a personal computer comprising the browser at a first viewer location, coupled to the system via a personal network;

where each of the plurality of views is associated with one of a plurality of sources of signals;

wherein at least three of said plurality of sources signal are broadcast TV, programming delivered over the internet, and satellite;

However, Shoff teaches the step of a personal computer comprising the browser at a first viewer location, coupled to the system via a personal network (integrated PC-TV system) (Fig. 4, col. 3, lines 64-67; col. 7, lines 51-60).

where each of the plurality of views is associated with one of a plurality of sources of signals; (figure 4, items 40, 46, 54, and 86)

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It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Lawler with Shoff's method of coupling the personal computer via a personal network in order to separate the browser from the computer system.

As per claim 20, it is rejected with the same rationale as claim 9. (See rejection above)

As per claim 21, Lawler and Shoff teach the method of claim 16, Shoff further teaches wherein said plurality of sources of programming comprises broadcast TV. (col. 4, lines 13-25)

As per claim 22, Lawler and Shoff teach the method of claim 21, Shoff further teaches wherein said plurality of source of programming further comprises satellite TV. (col. 4, lines 45-55)

A per claim 23, Lawler and Shoff teach the method of claim 22, Shoff further teaches wherein said plurality of programming sources further comprises internet delivered programming. (col. 5, lines 25-35)

As per claim 24, Lawler and Shoff teach the method of claim 9, Lawler teaches where said plurality of source of signals represents all video programming source available at said first viewer location. (Fig. 2, col. 3, lines 6-13) (It is inherent in a traditional broadcast or cable system, the sources of TV signal vary from location to location)

#### **(10) Response to Argument**

##### **Applicant's argument focused on the following:**

1) Lawler and Shoff do not teach an electronic program guide with tabs linked with views which are associated with broadcast TV, programming delivered over the internet and Satellite TV.

2) Lawler and Shoff do not teach each of said plurality of views is limited to sources of signal available at said first view location.

Examiner disagrees.

1) Although Lawler and Shoff do not disclose the limitation individually, the limitation is taught by combining the two together. Lawler teaches organizing the television programs based on Time, Category, Lineups, (see Lawler, figure 3c, items 102) which meets applicant's definition of views. (Page 7 of applicant's brief) Lawler's invention does not organize television programs based on their source, because there is only one broadcasting source at the time. (see Lawler, column 3, lines 25-31) However, if there were multiple broadcasting sources, Lawler would have provided a view based on their broadcasting source because Lawler was always

organizing TV programs based on their sources. (column 5, lines 45-60) Lawler displayed television programs based on lineups, (displaying television programs based on lineup is the same as displaying them based on broadcasting stations), broadcasting stations were the broadcasting sources. (column 5, lines 45-60)

Shoff discloses an device that receives television signals from multiple sources, such as the internet, the traditional television broadcasting, and the satellite broadcasting. (column3, lines 14-27, column 4, lines 40-55)

Therefore, by allowing Lawler's device to receive signal from broadcasting sources

introduce <sup>the</sup> by Shoff, which includes internet, traditional and satellite broadcasting, Lawler would organize the TV programs based on the new broadcasting sources.

2) Lawler teaches this limitation because traditional analog or cable-based television receiver only displays TV programs that are available in its receiving area. (See Lawler, column 3, lines 3-14) Because Lawler's apparatus only used an analog or a cable-based receiver, it would only receive signals that are available at its location. Even after Lawler is combined with Shoff, because Lawler is still receiving signal from traditional broadcasting as one of its sources, the TV programs that he is receiving is still limited by its area code. (See Shoff, abstract)

#### **(11) Related Proceeding(s) Appendix**

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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